



Douglas A. Ducey
Governor

ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY



Misael Cabrera
Director

CERTIFIED MAIL
Return Receipt Requested

February 6, 2019

Solid Solutions, LLC
Attention: Chris Marks
3031 Franklin Ave.
Riverside, CA 92507

Case ID #: 180183

Re: Notice of Violation issued to Solid Solutions, LLC

Dear Mr. Marks:

This letter constitutes the monthly update on the status of Arizona Department of Environmental Quality ("ADEQ") action resulting from ADEQ's file review of the above-referenced site on January 16, 2019, as required by A.R.S. § 41-1009(J).

The attached Notice of Violation ("NOV") is an informal compliance assurance tool used by ADEQ to put a responsible party (such as a facility owner or operator) on notice that the Department believes a violation of an environmental requirement has occurred. It describes the facts known to ADEQ at the time of issuance and cites the requirement that ADEQ believes the party has violated.

Although ADEQ has the authority to issue appealable administrative orders compelling compliance, an NOV has no such force or effect. Rather, an NOV provides the responsible party an opportunity to do any of the following before ADEQ takes formal enforcement action: (1) meet with ADEQ and discuss the facts surrounding the violation, (2) demonstrate to ADEQ that no violation has occurred, or (3) document that the violation has been corrected.

ADEQ reserves the right to take a formal enforcement action, such as issuing an administrative order or filing a civil lawsuit, regardless of whether the Department has issued an NOV. Neither ADEQ's issuance of an NOV nor its failure to do so precludes the Department from pursuing these remedies. However, the timeliness of a complete response to this notice will be considered by ADEQ in determining if and how to pursue such remedies.

Sincerely,

Leigh Padgett, Manager
Surface Water Protection Inspections & Compliance Enforcement Unit

Enclosure: ADEQ Notice of Violation Case ID [Case ID #]

Main Office
1110 Washington Street • Phoenix, AZ 85007
(602) 771-2300

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Case ID #: 180183

February 6, 2019

Solid Solutions LLC
Attention: Chris Marks
3031 Franklin Ave
Riverside, CA 92507

Subject: Desert Ridge Farms, Place ID 126141
2585 E County 19th St / Yuma, AZ 85365

NOTICE OF VIOLATION

The Arizona Department of Environmental Quality (ADEQ) has reason to believe that Solid Solutions LLC as the owner/operator of Desert Ridge Farms has violated a requirement of the Arizona Revised Statutes (A.R.S.), a rule within the Arizona Administrative Code (A.A.C.), or an applicable permit/license, administrative order or civil judgment. ADEQ discovered the violations alleged below during a file review completed on January 16, 2019.

I. LEGAL AUTHORITY and NATURE OF ALLEGED VIOLATION(S)

1. **A.A.C. R18-9-1007(A)(7)**

Application of bulk biosolids that are not exceptional quality biosolids at an application rate greater than the agronomic rate of the vegetation or crop grown on the site.

On December 14, 2018, Chris Marks, Denali Water Solutions, submitted a response to ADEQ's request for information regarding biosolids land application activities that were occurring between 2013 and 2018. At ADEQ's request, Mr. Marks provided documentation of the actual crops grown at Desert Ridge Farms in Yuma, Arizona. In Mr. Mark's letter to ADEQ, he indicated that Solid Solutions Biosolids Annual Reports for crops grown during the reporting years 2014 to 2017 had discrepancies between the information that Steven Redger, owner of Desert Ridge Farms, reported to the Farm Service Agency.

On December 31, 2018, Mr. Marks submitted revised annual reports based upon the crop information reported to the Farm Service Agency. Based upon a review of the revised annual reports, Solid Solutions land applied biosolids for crops with different agronomic rates than the actual crop grown, as listed below. Solid Solutions originally reported in most instances that alfalfa was being grown which has the highest agronomic rate.

1. 2014 - 16 instances
2. 2015 - 66 instances
3. 2016 - 42 instances
4. 2017 - 26 instances

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In addition, the revised reports in 136 instances listed a lower Nitrogen + Ammonium (kg/ha) than what was originally reported to ADEQ.

2. **A.A.C. R18-9- 1014(E)(2)(a)**

Failure to report to ADEQ by February 19, the amount of biosolids applied at a site used for the application of non- exceptional quality bulk biosolids in the previous calendar year.

According to the Solid Solutions revised Annual Biosolids Report for 2015, Solid Solutions did not report the amount of biosolids land applied at Desert Ridge Farms from the following generators by February 19, 2016.

1. LACSD - Carson WWTP (14,693 dry tons)
2. Los Alisos WWTP (305 dry tons)

3. **A.A.C. R18-9-1003(C)**

Failure to obtain, submit to ADEQ, or maintain the necessary information needed to comply with the applicable biosolids rules.

According to Mr. Mark's December 14, 2018, response, Solid Solutions was not obtaining, submitting, or maintaining the necessary information needed to comply with the applicable biosolids regulations.

1. Solid Solutions was land applying biosolids for crops with different agronomic rates than the actual crops grown at Desert Ridge Farms. Per their revised annual reports, biosolids were land applied for the incorrect agronomic rate at least 147 times between 2014 and 2017. Per their letter to ADEQ, dated December 14, 2018, Solid Solutions admitted there were discrepancies between the crops listed in Solid Solutions Annual Reports and the crops registered with the Farm Service Agency.

2. The revised annual reports from Solid Solutions reported 136 instances of lower nitrogen content than what was originally reported to ADEQ. No supporting documentation was provided to ADEQ to justify these changes. This information is used when calculated agronomic rates of crops and determining the correct biosolids loading rates.

3. Revised annual reports from Solid Solutions for 2015 provided to ADEQ on December 31, 2018, including additional generators whose biosolids were land applied at Desert Ridge Farms. This information was not originally reported to ADEQ in 2016.

4. **A.A.C. R18-9-1014(G)**

Failure to include a certification statement, signed by a responsible official, with a required biosolids self-monitoring report.

The biosolids annual report submitted by Solid Solutions for the 2017 was not signed by a responsible official. Additionally, the revised biosolids annual reports that were submitted to ADEQ were not signed by a responsible official and did not include the statement "I certify

under penalty of law, that the information and descriptions, have been made under my direction and supervision under a system designed to ensure that qualified personnel properly gather and evaluate the fumigation used to determine whether the applicable biosolids requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

II. DOCUMENTING COMPLIANCE

1. Within 7 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or for each land application site where biosolids were applied between 2014 and 2017, supporting documentation to justify the revisions to Solid Solutions Biosolids Annual Reports, including the actual calculations used by Solid Solutions to make their determination that biosolids were not applied at an application rate greater than the agronomic rate of the vegetation or crop grown on the property.
2. Within 7 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or supporting documentation to justify the changes made to each revision of the number reported for the Loading Rates for the Biosolids Annual Reports for 2014 to 2018.
3. Within 7 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or provide the results of any sampling or any other procedures used by Solid Solutions or Desert Ridge Farms between 2013 and 2018 to determine the nitrogen concentration of the Desert Ridge Farms fields to determine the appropriate biosolids loading rates for biosolids land applications that occurred between 2013 and 2018.
4. Within 7 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or for each land application site location where revisions were made to the Nitrogen Concentration for Solid Solutions Biosolids Annual Reports for 2014 to 2017, provide copies of the laboratory analysis to justify these changes.
5. Within 15 calendar days of receipt of this Notice, please submit documentation that the violation(s) never occurred, or provide a description of the activities and measures that will be taken by Solid Solutions to ensure compliance with the management practices in A.A.C. R18-9-1007 and R18-9-1008. Specifically, provide documentation to demonstrate what corrective actions have been or will be taken to ensure that biosolids are not applied at an application rate greater than the agronomic rate of the actual vegetation or crop grown.

III. SUBMITTING COMPLIANCE DOCUMENTATION

Please send all compliance documentation and any other written correspondence regarding this Notice to ADEQ at the following address:

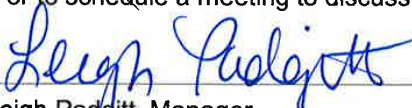
Arizona Department of Environmental Quality, Attention: Mindi Cross, SWP Inspections & Compliance Enforcement Unit, 1110 W Washington St, Phoenix, AZ 85007 MC: 5415B-2

IV. STATEMENT OF CONSEQUENCES

1. The time frames within this Notice for achieving and documenting compliance are firm limits. Failure to achieve or document compliance within the time frames established in this Notice will result in an administrative compliance order or civil action requiring compliance within a reasonable time frame, substantial civil penalties, and/or the suspension or revocation of an applicable permit/license. ADEQ will agree to extend the time frames only in a compliance schedule negotiated in the context of an administrative consent order or civil consent judgment.
2. Achieving compliance does not preclude ADEQ from seeking civil penalties, and/or suspending or revoking an applicable permit/license for the violation(s) alleged in this Notice as allowed by law.

V. OFFER TO MEET

ADEQ is willing to meet regarding this Notice. To obtain additional information about this Notice or to schedule a meeting to discuss this Notice, please contact Mindi Cross at (602) 771-2209.



Leigh Padgett, Manager
SWP Inspections & Compliance
Enforcement Unit



Mindi Cross
SWP Inspections & Compliance
Enforcement Unit